

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

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1 Q Well, tell me what the two sets of rules
2 are.

3 A Okay. Just like I said about if you're an
4 African-American male and your friend -- okay. Let
5 me give you --

6 Q Go on.

7 A -- another example.

8 Q Go on.

9 A Let me give you another example. Three
10 weeks ago an employee was caught on a car sleep. Ed
11 Hill caught him. Okay? Get up. Go back to work.
12 Three or four days later Mr. McFadden had company.
13 He's bringing them up through the shop. He goes up
14 on a car. There's an employee asleep. He nudges
15 him. Get up. The guy wakes up, and he says --
16 McFadden, I guess trying to justify finding an
17 employee asleep, says oh, you worked a double last
18 night. And the employee says no, I didn't.
19 Everybody's laughing about this. It's funny. Two
20 weeks ago a young lady who was an African-American
21 was caught asleep. She's on second shift, Pam Dye.
22 He took her out of service. Lost five days pay, and

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1 she's under a waiver or some type of -- she signed
2 some type of agreement so if she gets caught asleep
3 again, she'll lose her job. So everybody knows
4 there's two -- that's what I mean by two sets of
5 rules.

6 Q And in your opinion with those two sets of
7 rules, it's whether you're liked or not?

8 A No. It's nine times out of ten if you're
9 black or white and if you're liked or not. Basically
10 99 percent of the time it's a black-white issue, to
11 be honest. It's a black-white issue.

12 Q Okay. And you're claiming that you've been
13 subjected to this different rule --

14 A Yes.

15 Q -- because you're an African-American
16 female?

17 A Yes.

18 Q And because you speak up? I mean did I
19 hear -- is what I heard you saying because you speak
20 up --

21 A Yes.

22 Q -- if you see something that's --

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1 A Yes, that's not right. And I'll say
2 something to the appropriate person, but it's like
3 now it's not -- you don't even -- it's a waste of
4 time because they don't do anything. That's why I
5 always go to the outside, which took me to the
6 resolution department, so --

7 Q Okay. So in 2005 you gave me one example.
8 Can you give me another example of how you've been
9 subjected to a hostile work environment?

10 A Well, can I get my paperwork out? Because
11 I listed a bunch of incidents.

12 Q Would it be easier to do it that way?

13 A Yeah. I listed some incidents.

14 Q Then you know what? We'll get to that.
15 That's fine.

16 A Yeah. Okay.

17 Q Because I don't want it to be a memory
18 contest.

19 A No.

20 Q That's fine. But you say in 2004 and 2005
21 there were incidents --

22 A Yes.

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1 Q -- of a hostile environment?

2 A Yes. When I listed my claim, I even listed
3 them in there. I listed incidents that happened to
4 me and the ones if you want to call them time-barred.

5 Q How about retaliation? Do you contend that
6 the behavior is retaliatory?

7 A Oh, yes.

8 Q Okay. Because you filed complaints?

9 A Yes. And also the one with the foreman's
10 program, that's the one where I refused to sign a
11 release.

12 Q We'll talk more about that.

13 A Okay.

14 Q That's fine.

15 A Okay.

16 Q All right. Is that when it all started --

17 A No.

18 Q -- in your opinion?

19 A No. Oh, no, because I -- no, in my opinion.

20 Q It started before then?

21 A No. It started before then, yes.

22 Q Because you'd filed lawsuits?

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1 A Yes. It's ongoing. It keeps going. It's
2 a big ball. It just keeps on going.

3 Q And harassment?

4 A Yes.

5 Q All right. And other discriminatory
6 conduct?

7 A Yes, yes.

8 Q All in 2004 and 2005?

9 A Yes.

10 Q Do you contend you've been denied pay or
11 any type of wage increase or anything like that as a
12 result of the hostile work environment, harassment,
13 retaliation, discrimination, in 2004 and 2005?

14 A No, because as a car repairman, when you
15 bid that job, it never changes. Your pay stays the
16 same. Now, there was an incident where we had bad
17 weather, and I don't know if it was -- I don't know
18 if I listed that in that 2004, 2005 claim or not, it
19 might have been prior to that, but it was an incident
20 where some hurricane or whatever, we had hostile rain
21 and all that, and I started out to work, and my
22 visibility was so low, I turned around and went back

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1 home. When I came in the next day, I was told that
2 Mr. Butler sent everybody home because of the
3 weather, but he paid everyone. So when my union rep
4 said well, he doesn't want to pay you because you
5 didn't even get here, I said well, I couldn't get
6 here. And I have a letter that documented him saying
7 she didn't even come, so I'm not going to pay her.

8 Q So the distinction he made was that for
9 those people who actually came and then got sent
10 home --

11 A Right.

12 Q -- he'd pay them?

13 A Right.

14 Q Since you never made it in the first place,
15 he wasn't going to pay you?

16 A Right. But that's not the way it should
17 have been. My union rep said it should have been
18 every hourly wage employee car repairman should have
19 received pay for the day.

20 Q Is there a grievance process by which you
21 can bring those issues forward?

22 A Yes. The union has to write it up, which

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1 he did. Bruce said he was going to submit it, and
2 whatever came from that as far as I know --

3 Q Did you ever get paid?

4 A Not that I know of. Not that I know of.

5 Q But that would have been a union issue?

6 A Yes. Well, that would have been -- Mr.
7 Butler -- what happens is you put a grievance in.
8 You know, it's really -- it's like the head honcho
9 whips you, and then you have to send him a letter
10 saying why did you whip me? And don't whip me
11 anymore. And he sends you a letter saying I'm going
12 to whip you when I want to whip you, so -- but it's a
13 process that happens.

14 Q Right. Through the collective
15 bargaining --

16 A Yes.

17 Q -- process with the union?

18 A Right. So on that incident I don't know.
19 It can go to step 2 or 3 or 4, whatever, I guess if
20 the union rep feels it should.

21 Q Did you ever pursue it with your union rep?

22 A Well, I left it up to his judgment. I do

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1 know that I had a grievance in from when we had the
2 layoff, and I was assigned to the truck shop, and I
3 was -- bid the job, and I'm working the truck shop,
4 and because I'm airbrake-qualified, Mr. Butler is
5 telling them to pull me out of the truck shop every
6 morning and send her over to 26 track, do airbrakes,
7 send me over. So my union rep came to me and said --
8 I mean apparently it was an ongoing thing. It
9 happened for like 77 days. And my union rep came to
10 me and said look, under the union agreement after 10
11 or 20 days or 7 days -- I don't know exactly what the
12 time period is, but they're supposed to put a job up.
13 In other words, an airbrake job should have been
14 posted to show that there's a need there, either that
15 or abolish the truck shop. Do you understand what
16 I'm saying?

17 Q Uh-huh.

18 A And he didn't do that. So he was saying
19 that I was entitled to monies from being pulled off
20 of my assigned position and working the other
21 position for those 77 days, and that paperwork, I do
22 remember him periodically telling me that Mr. Butler

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1 said no, and we're going to go to Washington, and I'm
2 going to -- you know, I don't know.

3 Q Did you follow up on that with your union
4 rep?

5 A No, I haven't heard anything on it. The
6 last time he told me he was going to Washington to
7 speak to someone in the appeals process.

8 Q When did that occur?

9 A I believe it was in that 2004, 2005 cluster
10 because I listed that. I believe I listed that.

11 Q Okay. Let me talk about your failure to
12 promote allegations. You applied in the 2004 time
13 period -- it's the basis for the charge --

14 A Yes.

15 Q -- for a number of positions.

16 A Yes.

17 Q Do you contend you should have been
18 selected for any or all of those positions?

19 A Yes. Now, let me explain myself.

20 Q Okay.

21 A Okay. I'm going back to the fact that from
22 the McLaurin suit, I was listed as a plaintiff to

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1 receive job promotion, myself and five other people.
2 Okay. That was in -- I can find the letter. It's
3 dated 2002, 2003. So what happened was when they
4 contacted me and said you're going to receive a
5 promotion, so I said no. Remember I'd been applying
6 for a management job since I started in 1983. When I
7 originally started working for Amtrak, I had an
8 associate's degree. I received my bachelor's degree
9 in business from the University of Maryland in 1986.
10 Now, when I came and started working for Amtrak in
11 '83, the personnel human resources said look, get
12 your foot in the door even if you've got to start on
13 the track, and you'll move yourself up through
14 management, your continuing education. By the time
15 you get your bachelor's degree, you'll be in a good
16 position to promote to a management position. Okay.
17 So I'm putting in for management jobs all the time,
18 and most of the requirements for the -- basic
19 requirement for the management positions is a high
20 school diploma. I have an associate's, and now 1986
21 I have a bachelor's degree. So I put in for certain
22 jobs, and I do receive interviews, and when I'm

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1 interviewed, I'm told that any time a job is posted,
2 look at the must have. If it says must have a high
3 school diploma, she said apply. If it says must have
4 two years accounting experience, apply if you have
5 it. She said as long as you meet the must have,
6 don't cut yourself short, apply for it. So that's
7 always been my rule of thumb.

8 Q And there are must haves -- and we'll go
9 through this as we talk about those different
10 positions that we've talked about, but there are must
11 haves for both education and experience, correct?

12 A True.

13 Q Now, do you contend that for the different
14 positions you've applied for --

15 A Yes.

16 Q -- that you've not been selected because of
17 your race?

18 A Yes.

19 Q Because of your sex?

20 A Yes.

21 Q And in retaliation?

22 A On some I'm sure. I'm sure, yes.

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1 Q I just want to make sure we get the scope
2 of what you're talking about in your lawsuit.

3 A Okay.

4 Q That's what I want to get at.

5 A I understand what you're saying.

6 Q So that's your contention, that I've
7 applied for positions in the 2004, 200 -- 2004 time
8 frame from the time period of the year before you
9 filed your charge, that I've applied for those
10 positions, that I didn't get them, and I didn't get
11 them because of my race and sex and in retaliation in
12 some circumstances?

13 A Well, I'm not going to put the retaliation
14 on where I don't feel comfortable putting the
15 retaliation on that clause.

16 Q Okay.

17 A Okay?

18 Q Explain to me.

19 A Because I don't know if the person in human
20 resources is oh, here's Alvia Lacy putting in for
21 another job, I'm sick of her, forget it. You see
22 what I'm saying? I don't know that.

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1 Q Okay.

2 A But the retaliation comes from what I have
3 been -- what harm has been done to me at Bear, which
4 I know has happened. You see what I'm saying?

5 Q Okay. So we're -- I thank you.

6 A Okay. You understand?

7 Q That's helped me clarify it.

8 A Okay.

9 Q So the retaliation -- well, let me make
10 sure I clarify because it's real important that we --

11 A Yes.

12 Q -- get it for the record. So the race and
13 sex claims are both things that have happened to you
14 at Bear?

15 A Yes.

16 Q And the promotion?

17 A Yes.

18 Q The retaliation claim is, to the things
19 that have happened to you at Bear, not promotion?

20 A True. Now let me clarify this. Okay. I
21 put in for a position. Washington gets the
22 application. And this has happened. I'm not -- I'm

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1 going to tell it. This is an incident that did
2 happen. I put in for a job at -- in Phillie,
3 engineering department. They called me. We've got
4 an interview for you such and such a day. I go to
5 Phillie. I'm interviewed. When I go in, the
6 personnel human resources specialist tells me, you
7 know, someone's really butting for you to get this
8 job. They really feel you're qualified, and you
9 deserve it. Great. I'm in good shape. I do the
10 interview with the head of the department. He tells
11 me Ms. Lacy, you know, out of everyone we
12 interviewed, looks like you're going to finally be
13 promoted. You're a good candidate for the job. I'm
14 feeling great. I leave there. I go back to Bear. I
15 go back to my normal duties because normally after
16 you get interviewed, you get your denial letter or
17 whatever. A few weeks pass. I don't hear anything.
18 I'm like wonder what happened. Well, of course I've
19 been on interviews before, I've received denial
20 letters, so I just say whatever. Somewhere maybe
21 something got caught up. A few weeks later I asked
22 to go look at my personnel file, which is located at

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1 Bear. My union representative takes me in. I look
2 through it, and there's an evaluation form that was
3 sent from Philadelphia the same time I was
4 interviewed. It was sent to Bear where I'm stationed
5 and work. Okay? On the evaluation form you would
6 have thought I was retarded. Some of the questions
7 were what tasks has Ms. Lacy completed, or what tasks
8 has the employee completed that shows that he or she
9 knows their job? I mean I could pull this out. This
10 is not verbatim, but --

11 Q Well, let's take a break for a second and
12 go off the record.

13 (Discussion off the record.)

14 BY MR. VANDEUSEN:

15 Q Ms. Lacy, before we took a break, you were
16 mentioning a document that had been provided back to
17 Bear from the Philadelphia people.

18 A Yes.

19 Q And when we took a break, you had gone
20 through and found that document that you were
21 referring to; is that correct?

22 A That's correct.

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1 Q And you gave me a copy of that. Now, when
2 did this occur?

3 A This occurred right after -- I'm assuming
4 either within maybe a day or so after I had
5 interviewed at Philadelphia for the engineering
6 position.

7 Q Let me ask you when did you interview for
8 the engineering position?

9 A The position was in -- it was in '94.

10 Q So we're talking 1994 here, correct?

11 A Yes.

12 Q Okay. Fine. Thank you. Now, you
13 mentioned earlier this isn't the first lawsuit you
14 filed against Amtrak.

15 A No, it isn't.

16 Q I'm going to show you a document. Would
17 you say this might be the eighth lawsuit you've filed
18 against Amtrak?

19 A You mean total?

20 Q Yeah.

21 A Including injuries?

22 Q No. Well, maybe. I don't know.

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1 A I don't know.

2 Q Let's take a look at it, shall we?

3 A Let's take a look at it, yeah.

4 Q Exhibit 4.

5 A Yeah.

6 Q Now, what we've done is you can go on and
7 find cases with your name as a plaintiff --

8 A Okay.

9 Q -- and Amtrak as a defendant --

10 A Okay.

11 Q -- in the federal courts in the United
12 States. That's what this document shows.

13 A Okay.

14 Q Through what's called the Pacer, P-a-c-e-r,
15 system.

16 A Yes.

17 Q And it reflects that there are eight
18 lawsuits with the most recent one, the one we're here
19 today about, on the top.

20 A Yes.

21 Q Do you see that?

22 A Uh-huh.

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1 Q Now, would you say that that's accurate
2 with respect to claims of discrimination --

3 A Yes.

4 Q -- that you've filed?

5 A These are not all discrimination suits.
6 They're not all discrimination.

7 Q Which ones are the discrimination?

8 A That I cannot tell you, but I have received
9 injuries at Amtrak, and I'm sure these are -- the
10 injury suits are listed here.

11 Q Okay. But you filed some in Pennsylvania,
12 correct --

13 A Correct.

14 Q -- some of these lawsuits? You filed some
15 of these lawsuits in Maryland?

16 A Correct.

17 Q You filed one in D.C.?

18 A Yes.

19 Q And a couple in Delaware?

20 A Yes.

21 Q What makes you decide where you want to
22 file a lawsuit?

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1 A Well, basically the court tells me. In
2 other words, the case that's filed in Delaware, I was
3 told by EEOC that I had to file it in Delaware
4 because that's where the harm was done.

5 Q I see.

6 A Okay?

7 Q Okay. And the Pennsylvania cases, do you
8 remember those?

9 A The Pennsylvania cases were probably, if
10 I'm remembering correctly, because I had a back
11 injury that happened while I was employed there at
12 Bear, and the attorney was located in Philadelphia,
13 so I'm assuming that's why he filed that there.

14 Q All right. It's always easier, right?

15 A Yeah.

16 Q The Maryland cases, how about the Maryland
17 cases?

18 A The Maryland case, probably because my
19 initial suit for discrimination, one of the first
20 that I did, I went to the EEOC department in
21 Washington, and they said that I should be filing it
22 in the Maryland district, so that's probably why that

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1 one is there.

2 Q I see two of those. There was one filed in
3 Maryland in 1994 and one filed in Maryland -- or in
4 1993 and one filed in 1997. Do you see those?
5 Number 4 and number 7 on the list.

6 A Yes.

7 Q Are those both discrimination claims?

8 A I am not 100 percent sure. I'd have to go
9 back and look at my documents.

10 Q That's fine. Are there any other lawsuits
11 other than these that you've filed against Amtrak in
12 any other courts?

13 A Not that I know of.

14 Q Is it possible there are some that you
15 don't know about that you've filed?

16 A No, there shouldn't be.

17 Q Have you prevailed in any of these cases
18 related to discrimination?

19 A Yes, I have. Yes, I have. Not the
20 discrimination. One of the discrimination cases. I
21 don't know. I think it was one of my earlier ones
22 where they told me that they were going to be more

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1 fair in their selection process and not be
2 discriminatory towards me. That was one of my first
3 ones. A Mr. McFallen represented me on that.

4 Q Was there a settlement?

5 A Yes, there was.

6 Q Was there a monetary settlement?

7 A Yes, there was.

8 Q Do you recall what that was?

9 A It was very marginal. I don't remember
10 exactly. It was maybe like 10 -- maybe 10 or 15,000,
11 but they had promised me to be more fair in the
12 promotion process, and that was good enough for me.
13 That's all I wanted.

14 Q Any of the other discrimination claims?
15 You say you've not prevailed in any of the other
16 ones?

17 A Well, one of these discrimination cases I
18 had filed when I came in for the deposition just as
19 I'm doing today, not with you though. The counsel
20 representing Amtrak showed me a paper saying that I
21 had signed a sheet which dissolved that charge. I
22 mean my signature was on the sheet, but I didn't

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1 remember signing it, so I didn't challenge it. At
2 the time I probably was going through some things
3 with my dad and my mom or whatever, and I was like if
4 you say so, and I just let it go because I was
5 telling one of the attorneys about that. That's why
6 I was kind of scared to come in here today.

7 Q Well, you're doing just fine. Okay. Let
8 me show you a document which may be helpful with one
9 of the cases we're talking about here. I think this
10 is the one related to the McLaurin matter. We've
11 marked it as Exhibit 5.

12 A Okay.

13 Q Do you recognize this document?

14 A No, I don't. This is the first time I've
15 seen this, first time I've seen this.

16 Q That's your name?

17 A Yeah, that's in my name.

18 Q That's your lawsuit?

19 A Yes.

20 Q And in fact, if we go back, and we look on
21 the Pacer system, that would be --

22 A Number 8.

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1 Q -- number 6?

2 A Yes.

3 Q That was the one that we've been referring
4 to before about you had a promotion --

5 A Okay.

6 Q -- issue, and then you wound up talking to
7 Mr. Kaplan?

8 A Yes. Okay. Now, see --

9 Q The foreman program I mean.

10 A See, this is kind of confusing because I
11 received -- this is basically saying that's
12 dismissed; is that correct? Is that what this form
13 is showing?

14 Q What Exhibit 5 shows is that the case that
15 you'd filed in Pennsylvania, which is number 6 on the
16 Pacer list --

17 A Yes.

18 Q -- was dismissed because that was your
19 individual case, and you were going to deal with
20 McLaurin.

21 A Yes, I was going to join that class action
22 suit.

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1 Q Or had joined --

2 A Yes.

3 Q -- McLaurin at that point?

4 A Okay.

5 Q Right?

6 A Yes.

7 Q If you look down on the sixth line -- fifth
8 and sixth line, it was uncontested that you were a
9 member of the class certified in McLaurin in which a
10 consent decree was entered expressly precluding
11 certain things.

12 A Okay.

13 Q Okay?

14 A Uh-huh.

15 Q All right. So you became a McLaurin class
16 member. This lawsuit was dismissed. Any relief you
17 were going to get was going to be through McLaurin.

18 A Correct. I'm assuming that's correct.

19 Q And then there was an issue with respect to
20 that. You mentioned that you had talked to the
21 people, talked to Mr. Kaplan. You were concerned
22 about why you hadn't gotten certain relief related to

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1 the McLaurin matter.

2 A Yes.

3 Q And do you recall receiving a letter from
4 Sprenger & Lang, the law firm that represented the
5 McLaurin plaintiffs --

6 A I received a lot of letters.

7 Q -- in 2004? I'm going to show you it.

8 A Okay.

9 Q Take a look at this document that's been
10 marked as Exhibit 6.

11 A Okay.

12 Q Tell me whether you recognize that
13 document.

14 A Yes, I believe I remember this. I'm just
15 glancing through it.

16 Q Please take your time.

17 A I'm assuming because the letter I received
18 from Mr. Lieder, basically he said that the consent
19 decree had closed, and there was nothing he could
20 do. So this is much more detailed. I don't know if
21 -- I'm going to assume yes, that I -- because it's
22 addressed to me, so I'm assuming I got it.

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1 Q And that explains -- if you read through
2 it, that explains what happened with respect to the
3 job relief issues arising out of McLaurin with
4 respect to your efforts.

5 A Okay. Okay. I'm all right with it now
6 because on here I had to -- I see this part where it
7 says your name was not on the list because you had
8 elected to proceed with job relief. Okay. I'm all
9 right with it now.

10 Q All right. So if you read through that, is
11 that an accurate --

12 A Yeah. I'm going to say yes, yes. I'm
13 going to say yes.

14 Q Let me finish the question. You can still
15 say yes if you want, but let me finish the question.
16 Is that an accurate reflection of the events
17 surrounding your participation in the results of the
18 McLaurin consent decree?

19 A According to Mr. Lieder, yes.

20 Q How about according to you?

21 A No.

22 Q Okay. Well, what's the difference?

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1 A The difference is that when I talked to Mr.
2 Lieder, he told me that he was going to refer me to
3 Ms. Thompson to get my information for the
4 promotional part. He gave me her telephone number
5 and her address, and I called her. And she said to
6 me Ms. Lacy, what type of job would you like? What
7 would you like us to try to receive for you? And I
8 said anything within the management rim that I can
9 successfully work at. So she asked me to send her a
10 resume and the last two or three jobs that I had
11 applied for, which I did. And she said she would get
12 on it, and she would be working on the possible job
13 relief. I didn't hear anything for a long period of
14 time. When I called Mr. Lieder and said why haven't
15 I heard anything, he said well, you're going to have
16 to call Ms. Thompson and ask her, find out what's
17 going on. When I called her, she said well, I've got
18 to go back and dig some paperwork out, and I'll let
19 you know what's going on. When I finally received a
20 call from Ms. Thompson, she said the consent decree
21 was closed, and there was nothing that could be
22 done. So that's when this -- this letter came after

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1 that. So according to Mr. Lieder, this is how he saw
2 it, but what happened to me was different. And I
3 want to also ask you do you have a copy of this from
4 Sprenger & Lang, which just says to recipients the
5 job relief claimants on, and there my name is listed?

6 Q That's a letter dated January 3rd, 2000
7 from Maia Caplan, and your name is listed --

8 A As one of the recipients.

9 Q -- among the job relief claimants.

10 A Yes.

11 Q And that's referred to in Mr. Lieder's --

12 A Lieder's letter.

13 Q -- letter of April 6th, 2004, correct, as
14 far as you were -- as to whether you wanted job
15 relief or not? If you look at the second page, about
16 halfway down it says you had several conversations
17 with Ms. Caplan about whether to select job relief.
18 Do you see that section?

19 A Yes, but that wasn't -- that was -- that
20 was at the beginning of it. That was at the
21 beginning of this at the -- when I came in, when I
22 talked to Mr. Lieder, Ms. Caplan had left. That's

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1 how I ended up talking to Mr. Lieder. I called to
2 ask to speak to Ms. Caplan. They said she's no
3 longer with the firm. I said well, who's handling
4 the McLaurin class action suit? She said well, you
5 need to speak to Mr. Lieder. That's when I came in
6 touch with him, so --

7 Q But what happened was -- is it correct that
8 you were going to seek job relief?

9 A Yes.

10 Q That you worked with the law firm that was
11 representing you to obtain job relief?

12 A Yes.

13 Q No job relief was obtained by you?

14 A Yes.

15 Q And according to Mr. Lieder in his letter
16 of April of 2004, that was because you had identified
17 positions that were going to pay -- management
18 positions that were much higher in the order of what
19 was available. And, as he says on page 3 of his
20 letter, that gave little bargaining leverage with
21 them to get you a job.

22 A Okay.

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1 Q Do you see that?

2 A Yes. Now, when I originally spoke to Ms.
3 Thompson, who was also with Mr. Lieder's firm, but
4 she was either out of Chicago or -- she was not
5 located in Washington, D.C. or Maryland -- she told
6 me -- she said Ms. Lacy, what we're going to do is
7 put you in a position where you receive greater pay
8 than they would normally pay, and what it's going to
9 do is compensate you for not being promoted and give
10 you the relief all in one. That was her exact words.

11 Q Do you contend this was Amtrak's fault that
12 you didn't get a position?

13 A You know what? When I cried about it, I
14 don't know whose fault it is, but I feel Amtrak was a
15 part of it because I have documentations from
16 Amtrak's attorneys and Amtrak's legal counsel that
17 says Alvia Lacy's listed, and I felt like I don't
18 know why they left me out, I don't know why they
19 overlooked me or who did. Did somebody quit and go
20 somewhere else because --

21 Q Well, that's --

22 A -- changes?

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1 Q That's explained in Mr. Lieder's letter of
2 April 2004.

3 A But see, on the other hand, not only did
4 Mr. Lieder drop the ball as far as I'm concerned. I
5 have documentations where Amtrak knows that I'm part
6 of the job relief claimant. And even where they
7 petitioned the court, Amtrak's counsel petitioned the
8 court saying dismiss this case because she's a part
9 of this suit. So if you can do that, then you know
10 that I should -- I'm entitled to some remedies.

11 Q Well, within the confines of what your
12 counsel does representing you.

13 A Well, it's the counsel that's representing
14 me, and it's the party that has done the harm.
15 That's how I'm looking at it.

16 Q That's fine. Okay. Let's turn to your
17 interrogatory answers and go through some stuff.

18 A Okay.

19 Q We've marked this as Exhibit 7.

20 A Okay. I did the best I could on that.

21 Q You did just fine. I thank you very much.

22 A Thank you.

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1 Q What I'm going to do is go through some of
2 your answers and just make sure I'm clear on what had
3 happened.

4 A Okay.

5 Q If you'd turn to your answer to
6 interrogatory number 4. That would be on page 4.
7 You mentioned this earlier about the foreman
8 position. I don't want to spend a lot of time
9 talking about this, but what was the release from the
10 claims department? What was at issue here?

11 A Good one. You might want to take a second
12 because I'm going to find it, and I'm going to show
13 it to you, and I'm going to tell you what happened in
14 reference to that, but I need a minute. Okay. All
15 right. I'm a foreman. I'm on hold for a foreman's
16 position. For the record the way it works is they
17 select you. You accept the foreman's training. You
18 train as a foreman for 90 days. Once you complete
19 your 90 days, you're officially a foreman. On my
20 66th day, that was the day they expelled me from the
21 foreman's program. Now, prior to that I had a back
22 injury in 1992 while working at Amtrak. I was

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1 removing a spider plate, and I put a lining bar in,
2 and I hurt my back. I was out of work from August,
3 September, October. That is one of the suits that
4 are listed in that eight. That was the back injury.
5 Now it's 1999, and it has not been settled. I do
6 have a lawyer representing me on that. So he calls
7 me up, and he says Alvia, I don't know why, but
8 Amtrak's claim department wants you to sign a release
9 that has to do with a lawsuit for discrimination that
10 you have filed. He said I'm not representing you on
11 that, and I told them. He said I told them. So I
12 said well, let me take a look at the release. And he
13 said well, if it was me, I wouldn't sign on my death
14 bed. I said well, that's your opinion, I'll take a
15 look at it. He faxed this to me. I read through it.
16 Do you have a copy of this? Would you like a copy?

17 Q You go ahead and continue telling me what
18 --

19 A Okay. I read through it and said I'm not
20 signing it. So I called my attorney, who was
21 representing me for a back injury, and I said tell
22 them that I'm not going to sign it. When I came to

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1 work that night, I walked in. John Moore told me to
2 come in the office. John Moore is a supervisor at
3 Amtrak. He said you are excused from the foreman's
4 program as of now. And I didn't know -- I didn't
5 even think to put everything in place. I was just so
6 devastated. And I said Mr. Moore, give me a reason.
7 He said well, I don't know what to tell you. You'll
8 have to talk to Tom Butler and Vinnie tomorrow, but
9 right now you're off the foreman's program, and you
10 can come back tomorrow and just bump in as a car
11 repairman. So I was all right with it. So I started
12 to my locker to get my things, and it hit me that I
13 had to go home and face my sons and tell them that
14 they had kicked me off of a program where I thought I
15 was on the right track to getting promoted. And I
16 just couldn't get it together, and I cried for about
17 20 minutes. And one of my co-workers kind of stayed
18 with me and made sure I didn't get on the road and
19 everything, and I went home. And the next day I just
20 didn't even want to go to that -- I didn't even want
21 to go to Bear, so I didn't go to work that Friday.
22 And the following Monday I made an appointment with

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1 the psychiatrist. And I went in, and I talked to
2 her, and I explained to her all the things that I
3 have gone through since I've been at that Bear
4 facility, and the one time I thought I had an
5 opportunity to do a job and possibly get treated
6 fairly, and they messed around and kicked me off the
7 program. So then when I realized that it was because
8 I wouldn't sign the job release, the attorney called
9 me and said Alvia, I don't know what they're doing,
10 he said, but Friday they told me they were going to
11 settle this back claim. Now they're telling me
12 they're not going to settle it because you wouldn't
13 sign the job release. So he said my hands are tied.
14 He said this case is for -- this back injury is from
15 1992. Here it is 1999, and they don't want to settle
16 it. So I said you know what? That's okay. I got
17 another step. I went home, went back to work that
18 week. I called Barbara McCulsky's office, and I
19 asked her, I said -- I called the receptionist, and I
20 said I am an employee of Amtrak, I work out of
21 Delaware, but I'm a resident of Maryland. Can I
22 submit a problem to you to look into for me? She

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1 said yes, you can. As a Maryland resident, you can.
2 I went home. I typed a letter up. I sent it to her
3 office explaining everything that Amtrak had did as
4 far as their job relief, not settling the claim,
5 saying they were going to settle the claim, kicking
6 me off the foreman's program. Sent it certified
7 mail. Within, I'm going to say not even five days, I
8 got a call from the lawyer saying Amtrak has agreed
9 to settle that.

10 Q The injury claim?

11 A The injury claim. So that was fine with
12 me, but it still didn't take care of the retaliation,
13 kick me off the foreman's program, and that's when I
14 filed the retaliation charge in Philadelphia.

15 Q But the release that they'd asked you to
16 sign was related to the Maryland case --

17 A Case, yes.

18 Q -- that you had filed. Was that the one
19 where Mr. Fallon represented you?

20 A No, no. I didn't have representation. If
21 I had representation for that case, I would have had
22 some legal counsel to tell me what to do.

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1 Q And they wouldn't have called --

2 A Yeah.

3 Q -- for an injury lawyer?

4 A Yeah, they wouldn't have called. That's
5 what they do. So out of retaliation, they said she
6 won't sign the claim, kick her off the program, and
7 that's what was done. That's why when I stood there,
8 John Moore couldn't give me an excuse, he couldn't
9 give me any reason, but he later told Richard Pretlow
10 that she didn't do anything, that somebody ordered --
11 they ordered her -- they ordered us from the claims
12 department to kick her off the job.

13 Q That's what you understand --

14 A Yes, that's what I understand it to be.

15 Q -- had occurred?

16 A Yes.

17 Q All right. And the lawsuit that you'd
18 filed in Maryland in 1997 alleged age discrimination;
19 is that true?

20 A Yes. That probably was when I just turned
21 40. Is that when I was turned 40 or in my 40s? 22
22 years. Probably so.

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1 Q So just to be clear, you think you were
2 terminated from the foreman program because you
3 refused to sign --

4 A The release.

5 Q -- the release because you refused to end
6 the lawsuit alleging age discrimination?

7 A No, it was not age discrimination. Well,
8 this is my point. When I filed my charges with --
9 original charge with EEOC, they tell you check your
10 race -- you're a female -- your sex and your age if
11 you're over this age. So I mean to me you're just
12 pinpointing age. It's not just about my age. It's
13 about my race and my sex and not being promoted.

14 Q But back in 1997 -- I'm just reading what
15 the agreement said here.

16 A That's a draft that they put in. I don't
17 know what's -- you see what I'm saying?

18 Q You don't recall what you were suing under?

19 A I would have to look at what my actual
20 charge said.

21 Q Okay. But the idea -- just to be clear,
22 the idea was that you would -- they gave you, or they

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1 gave somebody this draft --

2 A Yes.

3 Q -- to see whether you would sign it?

4 A Sign it.

5 Q Because it's in draft, clearly in draft
6 form.

7 A Yes, it is a draft. It says draft.

8 Q And you said no, don't want to sign it,
9 I'm not interested in settling that lawsuit?

10 A No, I didn't say I'm not interested in
11 settling. I said I am not going to sign anything
12 under that draft. Now, if they had come back and
13 said can we modify it, can we sit down and discuss
14 what we can work with, then I wouldn't have had a
15 problem, but they didn't do that. When I said I'm
16 not signing the draft, they didn't give me any other
17 options. They didn't pursue it anymore.

18 Q And then the next day you're told you're
19 out of the foreman program?

20 A That night, yes. I came in that night
21 because I had to work 10:00. That's another thing.
22 Most people that are allowed the opportunity to be a

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1 foreman, they work day shift. You need to be on day
2 where all the supervisors are to help you get through
3 the process. They put me on night. And I asked Mr.
4 McDowell, I said -- when he came to me, he said we
5 have a foreman's position for you. Are you
6 interested? So I said sure. He said well -- I said
7 what's the shift? Is it day? He said no. We're
8 going to put you on at night from 10:00 to 6:00.
9 Now, mind you, I have a 15-year-old son at home that
10 I'm raising, 15, 16, 17-year-old. What do you think
11 they're going to do? Mom's on second shift. We can
12 run wild. But unfortunately, or fortunately for me,
13 their father was there and took care of that, the 66
14 days that I was on that. Excuse me. That's kind of
15 off the way. But anyway, so when Ace McDowell said
16 you'll be working from 10:00 to 6:00, I said well,
17 how come I can't work day like everybody else did?

18 Q You were the only foreman working at night?

19 A That they put on night for your first
20 period. Now, I even used an example. I said why
21 can't I work day like Carol Evans said? I mean I
22 said why can't I work days like Carol Evans did? And

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1 he said Carol Evans did some special things. Do you
2 want to do some special things? And that was his
3 exact quote. And I said no, I'll work 10:00 to 6:00.
4 So that's how I got on the 10:00 to 6:00.

5 Q Did anybody ever tell you directly that you
6 were taken off the foreman program because you
7 refused to sign this draft?

8 A No one told me directly, no.

9 Q Now, you mention Ladoris Wiggs here in your
10 interrogatories as somebody who had knowledge of
11 this, and you mentioned her, I think somewhere else
12 in your interrogatories?

13 A Yes.

14 Q Who is Ladoris Wiggs?

15 A Ladoris Wiggs is a -- she was an employee
16 of Amtrak. She was a pipe fitter. She has, since
17 then, resigned.

18 Q When did she resign?

19 A You know, I don't know the exact year. I
20 would rather be correct on that.

21 Q In 2004, 2005, or before then?

22 A After 200 -- like maybe the middle part of

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1 2005 I believe she quit -- or resigned, rather.

2 Q Do you know where she is now?

3 A Yes, I do. I speak to her on a regular.

4 Q And have you talked to her about this
5 lawsuit?

6 A Yes.

7 Q And what conversations have you had with
8 Ladoris Wiggs about this lawsuit?

9 A Well, Ladoris and I talk about this lawsuit
10 and also the incidents and things that she has gone
11 through her herself. That was one of the deciding
12 factors in why she resigned. You know, she always
13 tells me -- she calls me V. She always says V, you
14 know, I'm proud of you because you're hanging in
15 there, but you're taking a whole lot of crap. But
16 she went through some things too, and she just
17 couldn't take it, so she resigned.

18 Q Is she working now?

19 A Yeah. She's working for UPS.

20 Q When was the last time you spoke with her?

21 A The last time I spoke with her was last
22 Sunday.

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1 Q Did you talk about this lawsuit?

2 A Yes.

3 Q And what did you talk about this lawsuit?

4 A I told her I'm going for a deposition on
5 October 6th.

6 Q Did you have any other further conversation
7 with her about it?

8 A No. Just the basic things. She just
9 started recounting the things that she had gone
10 through and some of the incidents, and that's it just
11 generally.

12 Q With respect to your claims, not things
13 that she says that she suffered, but with respect to
14 your claims in 2004 into 2005, what knowledge do you
15 think she has about those?

16 A She has a lot of knowledge because she was
17 there. She was there through most of the time in the
18 incidents that happened to me. She was there because
19 that was really my confiding person. When we had --
20 when something would happen to me or something would
21 go with her, we'd either go up to the ladies room, or
22 we'd -- when we'd leave, we'd meet in the parking

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1 lot, or I'd get home, and she called me crying. She
2 was my partner, you know. She was a shoulder for me.

3 Q She's an African-American?

4 A Yes, she is.

5 Q She supports you in your position that
6 you've been discriminated against?

7 A Yes, she does.

8 Q Let's go to the next page, page 5,
9 paragraph 2. Can you see that at the top of that
10 page? You answered questions about promotions. This
11 is the section we're talking about promotions.

12 A Okay.

13 Q Okay? Now, we have a list of positions you
14 applied for during the period we're talking about,
15 and we'll talk about those in detail, but you say
16 persons with knowledge, Sarah Ray. Who is Sarah Ray?

17 A Sarah Ray works at the human resource
18 office out of Washington.

19 Q And do you know what her race is?

20 A She's African-American.

21 Q And did you deal with her with respect to
22 positions?

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1 A Yes, I have. Ms. Ray knows basically when
2 I apply and inter -- when I go for interviews, she
3 has interviewed me.

4 Q And do you ever think she's discriminated
5 against you?

6 A No, but I'm going to say this, and I'm
7 going to say no because she doesn't have the final
8 say in who gets selected for the position. From what
9 I understand, she's a supervisor of the department.

10 Q Well, let me ask you this just as an aside
11 then. What is your understanding of the process by
12 which a promotion or a position is filled at Amtrak?

13 A Okay. I'm going to say from start to
14 finish. You apply for the position. You apply for
15 the position. Human resources job is to see that the
16 appropriate candidates are selected for the interview
17 process.

18 Q So would that be the initial screening of
19 candidates?

20 A Yes, to a certain --

21 Q Human resources would --

22 A Yes.

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1 Q -- make that decision?

2 A Yes.

3 Q And so would Sarah Ray be involved in
4 making a decision as to whether an individual is
5 qualified or not qualified --

6 A Yes.

7 Q -- to be considered?

8 A Yes.

9 Q Now, let me ask you then in the context.
10 Do you think Ms. Ray has discriminated against you?

11 A No, I don't.

12 Q Okay.

13 A No, I don't.

14 Q Or retaliated against you?

15 A No, I don't.

16 Q How about Mr. Cannon?

17 A No, I don't.

18 Q Let me ask the question. Mr. Cannon, who
19 is he?

20 A He's a human resource personnel also.

21 Q And what's his race?

22 A He's an African-American.

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1 Q Has he been involved in making decisions
2 regarding positions you've applied for if you know?

3 A I do not know, but he has sat in on my
4 interviews. He has been there with the supervisor of
5 the department and conducted the interview.

6 Q And do you think that Mr. Taylor has ever
7 discriminated against you or retaliated against you
8 with respect to promotional opportunities?

9 A No, I don't.

10 Q Other human resources people who have been
11 involved in positions that you've applied for, can
12 you think of any others?

13 A The only people that I know, but I have not
14 met them face to face, are the ones I get a denial
15 letter for.

16 Q Do you have any reason to think that any of
17 those human resources people other than Mr. Taylor --
18 I'm sorry -- Mr. Cannon and Ms. Ray have
19 discriminated against you?

20 A I can't answer that because I don't know.
21 I don't know if it may be something they may have a
22 conversation with someone and --

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1 Q Let me ask you this. Do you have any facts
2 to think that they have?

3 A No, no. I'm going to hope not.

4 Q Okay. That's fine. Now, you provided a
5 list of individuals here at the bottom of page 5.
6 The following employees have been promoted, are white
7 males, do not have a bachelor's degree, and held
8 positions of car repairman, electrician, or coach
9 cleaner/laborer prior to being promoted. Do you see
10 that?

11 A Yep.

12 Q Then you list --

13 A Excuse me. Yes.

14 Q -- on page 5 and on page 6 a number of
15 individuals.

16 A Yes.

17 Q What is the time frame that you're
18 referring to here as to these individuals who have
19 been promoted from positions, union positions, into
20 other positions?

21 A Ongoing and current.

22 Q Okay. But I mean of these individuals

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1 you've named here.

2 A Well, I'm going all the way back. If you
3 actually -- I mean employee records would document.
4 Like say, for instance, let's take, for instance, Tom
5 Butler came in as a coach cleaner originally. He's
6 director. He was at one time superintendent of the
7 Bear facility. Okay. Let's take Jim McDowell. He
8 came in as electrician. He's now an upper management
9 person.

10 Q You're referring to historically over the
11 years?

12 A Yes.

13 Q And this could go back?

14 A And it could go back to last week. I can
15 -- well, promotion per promotion per se.

16 Q Okay. But I'm just trying to make sure of
17 what we're talking about here. You're not referring
18 to positions -- with respect to these names, you're
19 not referring to positions that you applied for and
20 that these individuals got --

21 A Correct.

22 Q -- instead of you; is that correct?

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1 A That's correct.

2 Q You're just giving me an example of
3 individuals who had been in a union position and now
4 are in management positions?

5 A With one exception -- or several exceptions
6 because -- okay. Say, for instance -- how can I
7 explain this? Okay. Say, for instance, like Mike
8 Fell, Mike Fell was an electrician. Then he got a
9 foreman's position. Okay? Now he's in CNOC holding
10 a management position. You understand what I'm
11 saying? So in retrospect to that, I'm a car
12 repairman. I'm looking at okay, I get a foreman's
13 job, then I could get a management job. Now, Mike
14 Fell doesn't have a bachelor's degree. So I'm a car
15 repairman. I have a bachelor's degree. That gives
16 me a little leadway to say I think I can handle a
17 supervisory position, even per se a management
18 position, even entry level. So basically each one of
19 these persons went from a craft position to a
20 managerial position. Some of them skipped a foreman
21 slot and went straight to management.

22 Q Have you applied for a foreman's position

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1 since 1997 when you were taken out of the --

2 A '99.

3 Q -- out of the --

4 A No, I haven't.

5 Q How come?

6 A Because to me, that's a slap in the face.
7 It's like saying we kicked you, okay, start all over
8 again.

9 Q It would be job advancement, wouldn't it?

10 A Job advancement. There is no job
11 advancement when you've been wronged. The only way I
12 see, even if they were to come to me -- because for
13 me, I have some dignity. People tell me -- even at
14 work they'll say you got kicked off the foreman's
15 program. They don't even understand the big picture,
16 and that hurts. So for me to go back, to me it would
17 be a demotion basically as far as I'm concerned.

18 Q So in your mind you would never --

19 A Never.

20 Q -- you would not -- you would never apply
21 for a foreman position now? You want to move right
22 from the union position that you're in to a

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1 management position?

2 A Not at Bear. I won't do it at Bear. I
3 have put in for foreman's positions in Washington. I
4 have done that.

5 Q Have you been considered for those?

6 A I have gone an interview and was denied.

7 Q Have you continued to look at those
8 positions?

9 A Well, to be honest with you, for the last
10 probably three or four months I haven't even looked
11 at the job positions because I've been just -- just
12 removed myself from it, you know. I just -- I'm
13 tired. Just took a break.

14 Q So what I hear you saying, though, is you
15 don't want to apply for a foreman position in Bear,
16 but you would consider applying for foreman positions
17 in other locations?

18 A Yes. And the reason why I say that is
19 because if I was to take a foreman position at Bear,
20 I feel like if they wanted to, they could do the same
21 thing. Now, we just had a case last week where a
22 foreman was put back -- what we call put back on

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1 tools. He's a African-American. From what I
2 understand, I don't know all the details, but what
3 they did to him -- the conversations between
4 African-Americans are we're all saying they did it
5 because he's an African-American, and we're all
6 saying it is because he's black. So I don't even
7 want to put myself in that position, and that's why I
8 don't want to work at Bear as a foreman.

9 Q And so you focused on applying for
10 management positions?

11 A Yes.

12 Q Now, do you know of African-Americans who
13 have been promoted?

14 A From the Bear facility?

15 Q Uh-huh.

16 A Yes, I know one, Carol Evans.

17 Q And a black, African-American female?

18 A Yes.

19 Q And what was she promoted to?

20 A She went from a coach cleaner to a foreman,
21 and she works out of Washington as an instructor.
22 And I don't want to say names, but she was dating one

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1 of the supervisors at one time from what I
2 understand, so --

3 Q Do you have specific information about
4 that, or is that a rumor?

5 A It's a given. If the boss is coming to
6 your house, and picking you up every day for work,
7 and taking you home, and spending some extra time
8 with you, would you think that was just an employee
9 benefit? I don't think so.

10 Q Did you observe this?

11 A Oh, yes. Everybody did. And then I can go
12 back to when Mr. Ace McDowell stated to me Carol
13 Evans did some special things. Do you want to? And
14 my answer was no.

15 Q Did he ever explain what he meant by that?

16 A No, he didn't.

17 Q You just inferred?

18 A Yeah, I kind of figured it wasn't baking
19 cookies.

20 Q Interrogatory number 5. If you'd turn to
21 page 7. You list individuals who you claim have
22 discriminated against you.

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1 A Yes.

2 Q Tom Butler, when do you contend he
3 discriminated against you?

4 A Well, I am eventually going to produce
5 documentation from my union rep which will show that
6 because this is what happens. When something happens
7 to you on the floor, you go to your union rep, and
8 you say this is what's going on, and he looks into
9 it. And I have several incidents where things have
10 been done to me, and I've gone to the union rep, and
11 he's went over and talked to Tom Butler and came back
12 and said Alvia, he's doing this specifically to you,
13 and I'm tired of him harassing you, and I keep
14 telling him if he does it again, I'm going to write
15 him up, I'm going to do this. So I am going to
16 produce that documentation.

17 Q Let me just be clear on that. If you have
18 documentation that you think is relevant, you need to
19 produce it to me.

20 A Okay. Well, I'm going to -- the union rep
21 is going to write the statement for me along with the
22 paperwork that he has. I just didn't have it today.

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1 I didn't -- it's not done. It's going -- it's in its
2 --

3 Q What did you say the name of the union rep
4 is?

5 A Bruce Carlton.

6 Q He's up in Bear?

7 A Yes.

8 Q Okay. Now, Tom Butler, is it your
9 contention he's discriminated against you because
10 you're an African-American female? And what I want
11 to focus on here is going back to the comment you
12 made when we started out talking about things about
13 people either like you, or they don't like you, sort
14 of the two rules thing. And it sounded to me like
15 what you were saying is there could be African-
16 Americans who they like and African-Americans who
17 they don't like, and it could explain different
18 treatment.

19 A Most of the African-Americans are not
20 liked. The ones that are there, basically we were --
21 you know, it's like we were forced in there. In
22 other words, I don't like to talk about a lot of this

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1 because it hurts, and it's being documented, okay,
2 but when I first started there --

3 Q Well, I'd like to focus, and I don't want
4 to --

5 A Okay.

6 Q It's your lawsuit.

7 A Because I'm trying to get you to understand
8 what I'm saying.

9 Q Well, let me explain. It's your lawsuit.
10 You've brought these claims. It's my job to figure
11 out what your claims are. I want to focus on the
12 period of 2004 and 2005. I realize you claim that
13 there have been things that have happened since 1988,
14 '83, whatever, but the basis of this lawsuit involves
15 your claims about promotion --

16 A Okay.

17 Q -- and your claims about what you perceive
18 to be a hostile environment in 2004 --

19 A And 2005.

20 Q -- and going in 2005.

21 A Okay.

22 Q Okay? So Mr. Butler --

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1 A Yes.

2 Q -- how do you claim he's discriminated
3 against you in --

4 A That time period.

5 Q -- 2004, 2005?

6 A I'm sorry. I didn't mean to talk over you.

7 Q That's okay.

8 A Okay. Number one, during 2004, 2005, Tom
9 Butler was the director -- well, he was holding the
10 position that Mr. McFadden holds. They go from
11 director to superintendent. I don't know who flips a
12 coin and calls them whatever, but director,
13 superintendent. Vinnie Nesci is also over Mr. -- Mr.
14 Nesci's over Tom Butler, but he's in Wilmington now.
15 For the vast majority of the time that I worked at
16 Bear, Vinnie Nesci and Tom Butler where there as the
17 head management of the facility. Okay. I named Tom
18 Butler because the harassment things come from him.
19 Do you understand what I'm saying?

20 Q Well, I want you to explain.

21 A Okay. Let's say, for instance --

22 Q Think of the 2004 --

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1 A That's what I'm doing.

2 Q -- 2005 time range, and we'll go to that
3 list.

4 A Yeah, they're in there.

5 Q Let's do this. Do you want to take a
6 break?

7 A Yeah. Let me see if I can just kind of get
8 some paperwork.

9 Q Well, I have exhibits I'll show you.

10 A Okay. Because I don't really want a
11 break. I want it over with. I don't want a break.
12 I'm like I'd rather just run the race.

13 Q Do you want to go without lunch?

14 A No, I don't want a lunch. I don't need a
15 lunch.

16 Q Well, we're going to have to give the court
17 reporter at least a break at some point because
18 she's --

19 A Okay.

20 Q -- the one doing all the work here. Well,
21 let's do this. Let me show you an exhibit we've
22 marked as number 8 just to keep things going. That's

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1 the document production request.

2 A Okay.

3 Q Do you remember that? And that's your
4 responses.

5 A Yes.

6 Q Okay. Hold those. Now we'll mark a couple
7 other documents and talk about those.

8 A Okay.

9 (Lacy Deposition Exhibit 9 marked for
10 identification and attached to transcript.)

11 BY MR. VANDEUSEN:

12 Q Take a look at this if you would, please.

13 A Okay.

14 Q Do you recognize that document?

15 A Yes. I believe this is what I submitted
16 with my EEOC claim.

17 Q Okay.

18 A Yes.

19 Q Now, if you would turn to the fifth page.
20 Now, Exhibit 9 is titled harassment and hostile work
21 environment.

22 A Yes.